

Docket No. 003184.0006



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Sheryl BEHAR, Carol LEWBELL-GRAY and Cheryl CUNHA
Serial No. : 09/469,993 Examiner : Not Yet Assigned
Filed : December 22, 1999 Art Unit : Not Yet Assigned
For : **METHOD AND SYSTEM FOR AWARDED REBATES BASED ON
CREDIT CARD USAGE TO CREDIT CARD HOLDERS**

July 11, 2000

**PETITION UNDER 37 CFR 1.47(a) TO MAKE APPLICATION WITHOUT
SIGNATURES OF ALL CO-INVENTORS**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants Sheryl BEHAR and Cheryl CUNHA (herein the "Signing Co-Inventors"), hereby petition the U.S. Patent and Trademark Office for a ruling under 37 C.F.R. 1.47(a) that the above-identified application may be properly made by the Signing Co-Inventors without the signatures of co-inventor Carol LEWBELL-GRAY (herein the "Non-signing Co-Inventor"). The Non-Signing Co-Inventor refuses to sign the Declaration, Power of Attorney and Petition.

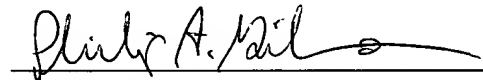
This Petition is being submitted concurrently with Declaration, Power of Attorney and Petitions executed by the Signing Co-Inventors and signed by one co-inventor on behalf of the Non-signing Co-Inventor, in response to a Notice to File Missing Parts, dated February 11, 2000.

A Declaration and Statement of Facts in Support of Filing on Behalf of Non-signing Inventors accompanies this Petition, setting forth the diligent efforts which were made to obtain the signatures of the Non-signing Co-Inventor. The Signing Co-Inventors respectfully submit that the efforts set forth in the Declaration and Statement of Facts have been diligent and request favorable consideration of this Petition.

The Petitions Officer is respectfully requested to contact Applicant's attorneys at the telephone number listed below should there be additional information or requirements needed in order to favorably grant this Petition.

This Petition is submitted with the required fee set forth in 37 CFR 1.17(i). A check for the \$130 fee amount is enclosed. No additional fee is believed to be necessary in connection with the filing of this Petition. However, if any additional fee is required, or if Applicants have overpaid the fee, the Commissioner is hereby authorized to charge such fee(s) and credit such overpayment to Deposit Account No. 50-0540.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Philip A. Gilman", is written over a horizontal line.

Randy Lipsitz

Reg. No. 29,189

Philip A. Gilman

Reg. No. 38,160

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For : **METHOD AND SYSTEM FOR AWARDED REBATES BASED ON
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**DECLARATION AND STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. SECTION 1.47)**

Assistant Commissioner for Patents
Washington, D.C. 20231

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Sir:

This declaration is made as to the exact facts that are relied upon to establish the diligent effort made by the undersigned co-inventor to secure the execution of the Declaration, Power of Attorney and Petition by the nonsigning inventor for the above-identified patent application. The statements herein are being made by the available person having first-hand knowledge of the facts recited therein.

1. I, Sheryl Behar, a United States citizen residing at 1429 Stevenson Road, Hewlett, NY 11557, am a joint inventor of the invention disclosed and claimed in the above-identified patent application. Ms. Carol Lewbell-Gray and Ms. Cheryl Cunha are the other joint inventors of this invention. I make this declaration in support of the petition and accompanying papers filed concurrently herewith pursuant to 37 C.F.R. Section 1.47.

2. The application was filed on behalf of myself, Carol Lewbell-Gray and Cheryl Cunha. Ms. Cunha and I have executed a Declaration, Power of Attorney and Petition, but Ms. Lewbell-Gray has refused to sign despite my diligent efforts to obtain her signature.

3. Ms. Lewbell-Gray's last known and present address is 300 East 74th Street, New York, NY 10021.

4. Carol Lewbell-Gray, Cheryl Cunha and I invented the systems and methods of our invention as part of our job while working for our mutual employer, Citibank, N.A., and promptly disclosed a description thereof to Citibank's legal department. Shortly thereafter, the Citibank legal department put us in contact with a patent attorney assigned to prepare a provisional patent application directed to the subject matter of our invention. After several reviews and edits of draft applications, a provisional application was filed with the U.S. Patent and Trademark Office on December 22, 1998 (Serial No. 60/113,286).

5. Later, we were again contacted by the patent attorney assigned to this matter and were asked to review the application and discuss patent claims directed to the subject matter of the invention. After finalizing the claims, the above-identified full patent application was filed with the U.S. Patent and Trademark Office.

6. My co-inventors and I were asked to execute a Declaration, Power of Attorney and Petition as part of finalizing the filing requirements of the full application. I promptly forwarded the Declaration, Power of Attorney and Petition for signature to Ms. Lewbell-Gray and made several follow-up telephone calls to Ms. Lewbell-Gray over the next several months to ask her to sign and return the executed Declaration, Power of Attorney and Petition. Each time I contacted Ms. Lewbell-Gray, she appeared willing to sign, and indicated that she would return the executed Declaration, Power of Attorney and Petition to me. Nonetheless, I never received the executed Declaration, Power of Attorney and Petition from her.


7. I believe Ms. Lewbell-Gray has no motivation to cooperate and sign the Declaration, Power of Attorney and Petition and will continue to refuse to return the executed Declaration, Power of Attorney and Petition due to the fact that she is no longer employed by Citibank, N.A., having been put on job discontinuance.

8. I have executed the Declaration, Power of Attorney and Petition filed concurrently herewith in my own name for myself as well as on behalf of Ms. Lewbell-Gray, the nonsigning inventor. All statements made on behalf of Ms. Lewbell-Gray are based on information and belief.

9. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that

these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

7/11/00
Date


Sheryl Behar

SHERYL BEHAR, VP
- Quality Director
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(718) 243-3400



**ADDED PAGE TO DECLARATION, POWER OF ATTORNEY AND PETITION
CONTAINING**

**SIGNATURE BY JOINT INVENTOR ON BEHALF OF NONSIGNING
INVENTOR WHO REFUSES TO SIGN
(37 C.F.R. section 1.47(a))**

- I.** I am an above named joint inventor and have signed this declaration on my own behalf and also hereby sign this declaration under 37 C.F.R. section 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Carol LEWBELL-GRAY, nonsigning inventor who refuses to sign.

Country of Citizenship of nonsigning inventor: United States
Last known address of nonsigning inventor: 300 East 74th Street
New York, NY 10021

- II.** Accompanying this declaration is:

- (1) A DECLARATION AND STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR.
- (2) THE PETITION FEE OF \$130.00 (37 C.F.R. section 1.17(i)).

7/11/00
Date

Sheryl Behar
Sheryl Behar

SHERYL BEHAR, VP
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